

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

ANGEL DAVID MORALES-VALLELLANES,

Plaintiff,

v.

UNITED STATES POSTAL SERVICE,  
et al.,

Defendants.

CIVIL NO. 97-2459 (JAG) (GAG)

**DEFENDANT'S ANSWER TO PLAINTIFF'S AMENDED COMPLAINT**

TO THE HONORABLE COURT:

COMES NOW the defendant, through the undersigned attorneys, and, in compliance with this Court's Order dated May 13, 2004, respectfully submits the Answer to Plaintiff's Amended Complaint, as it pertains to plaintiff's three (3) surviving claims arising from the Remand Judgment dated August 4, 2003, from the United States Court of Appeals for the First Circuit in COA Case No. 02-2190:

1. Defendant denies any and all of plaintiff's allegation of any type of discrimination and/or retaliation as to:

1) Plaintiff's allegations that Job Bid No. 2541417 was posted with Thursday/Sunday rest days rather than Saturday/Sunday rest days in retaliation for plaintiff's OSHA complaint;

2) Plaintiff's allegations of sexual discrimination and retaliation arising from an April 9, 1996 incident in which plaintiff's duties and responsibilities were awarded to a female employee and plaintiff was given window clerk duties to perform;

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3) Plaintiff's allegations that the "coffee and lunch breaks" policy was not applied in an equal and non-discriminatory manner.

**AFFIRMATIVE DEFENSES**

1. Plaintiff's allegations of discrimination are all denied. The actions taken by the defendant were well within management inherent discretion to conduct business in a productive manner in order to carry out its administrative duties in an efficient way.

2. Defendant's action were the result of legitimate, nondiscriminatory reasons and were not a pretext.

3. Each and every action taken by the defendant with respect to plaintiff was taken in good faith and for a legitimate reason.

4. Plaintiff has failed to mitigate damages in violation of the Civil Rights Law.

5. Defendant's actions were not the proximate cause of any alleged injuries or damages sustained by the plaintiff.

6. Plaintiff is not entitled to back pay or front pay, lost benefits, interest or loss promotional opportunities.

7. Plaintiff is not entitled to compensation for pain, suffering, or any other non-pecuniary loss.

8. Plaintiff is not entitled to recover any of the costs of litigation, including reasonable attorney's fees or costs.

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9. Plaintiff is not entitled to any additional or equitable relief.

10. Defendant reserves the right to assert additional affirmative defenses as it may become evident through discovery or investigation.

11. Defendant denies that plaintiff is entitled to recover any damages in connection with the actions alleged in the Amended Complaint; however, if any damages are recovered, the amounts of those damages are subject to an limited by 42 U.S.C. § 1981a.

I HEREBY CERTIFY that on May 17, 2004, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to Miguel E. Miranda Gutiérrez, Esquire, Cond. El Centro I, Local 15-132, 500 Muñoz Rivera Avenue, Hato Rey, Puerto Rico 00918.

In San Juan, Puerto Rico, this 17<sup>th</sup> day of May 2004.

H. S. GARCIA  
United States Attorney

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